

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

ONSTREAM MEDIA CORPORATION,

Plaintiff,

v.

RESTREAM, INC.,

Defendant.

Case No. 6:21-cv-00521

Jury Trial Demanded

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Onstream Media Corporation (“Onstream”) files this Complaint against Restream, Inc. (“Restream”) for patent infringement of United States Patent Nos. 9,161,068; 9,467,728; 10,038,930; 10,200,648; 10,674,109; 10,694,142; and 10,848,707 (the “patents-in-suit”) and alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

**THE PARTIES**

2. Onstream is a corporation organized under laws of the State of Florida with its principal place of business at 1451 W. Cypress Creek Rd., No. 204, Ft. Lauderdale, FL 33309.

3. On information and belief, Restream is incorporated under the laws of the State of Delaware with its principal place of business at 8121 Bee Caves Rd., Ste. 150, Austin, Texas 78746-4964.

4. Restream may be served with process through its registered agent CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201.

5. On information and belief, since about December 2016, Restream has been registered to do business in the state of Texas under Texas SOS file number 0802608407.

### **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

7. Restream is subject to this Court's personal jurisdiction, in accordance with due process and/or the Texas Long Arm Statute because, in part, Restream "[r]ecruits Texas residents, directly or through an intermediary located in this state, for employment inside or outside this state." *See* Tex. Civ. Prac. & Rem. Code § 17.042.

8. This Court has personal jurisdiction over Restream because it committed and continues to commit acts of infringement in this judicial district in violation of at least 35 U.S.C. §§ 271(a). In particular, on information and belief, Restream has made, used, offered to sell and/or sold infringing products, services and/or systems in this judicial district.

9. On information and belief, Restream is subject to the Court's jurisdiction because it regularly conducts and solicits business, or otherwise engages in other

persistent courses of conduct in this district, and/or derives substantial revenue from the sale and distribution of goods and services provided to individuals and businesses in this district.

10. This Court has personal jurisdiction over Restream because, *inter alia*, Restream, on information and belief: (1) has committed acts of patent infringement in this judicial district, (2) has substantial, continuous, and systematic contacts with this State and this judicial district; (3) owns, manages, and operates facilities in this State and this judicial district; (4) enjoys substantial income from its operations and sales in this State and this judicial district; (5) employs Texas residents in this State and this judicial district, and (6) solicits business and markets products, systems and/or services in this State and judicial district including, without limitation, the infringing Restream Studio platform and related products and services (“Accused Products and Services”).

11. On information and belief, Restream is the developer, owner, and operator of the Accused Products and Services including Studio, an online video streaming service.

12. Venue is proper pursuant to 28 U.S.C. §§ 1391(b), (c), (d) and/or 1400(b), at least because Restream, either directly or through its agents, has committed acts of infringement in this district, and has a regular and established place of business in this district.

13. On information and belief, since at least 2017, Restream has had a regular and established place of business in this judicial district.

14. On information and belief, Restream has its corporate offices at 8121 Bee Caves Rd., Ste. 150, Austin, Texas 78746-4964, which is within this judicial district, and which Restream uses as an established place of business.

15. On information and belief, Restream makes, uses, markets, distributes, offers to sell or license, and sells or licenses the Accused Products and Services to consumers throughout the United States and in this judicial district.

16. The Accused Products and Services infringe one or more of the claims of the patents-in-suit.

17. The Accused Products and Services were/are made by, were/are developed by, were/are marketed by, were/are supported by, or were/are serviced by employees located in the judicial district who work at one or more of Restream's regular and established business locations in the judicial district.

18. On information and belief, Restream derives substantial revenue within the judicial district from the Accused Products and Services. On information and belief, Restream users who reside in the judicial district regularly use the Accused Products and Services while they are present in the judicial district.

**United States Patent No. 9,161,068**

19. On October 13, 2015, the United States Patent and Trademark Office ("USPTO") duly and legally issued United States Patent No. 9,161,068 ("the '068 patent") entitled "Remotely Accessed Virtual Recording Room" to inventor Gregory Duane Ellis. A true and correct copy of the '068 patent is attached as Exhibit 1.

20. The '068 patent is presumed valid under 35 U.S.C. § 282.

21. Onstream owns all rights, title, and interest in the '068 patent.

22. On information and belief, Onstream has not granted Restream an approval, an authorization or a license to the rights under the '068 patent.

23. The '068 patent relates to, among other things, an audio and video stream recording, storage, and delivery system.

24. The claimed invention(s) of the '068 patent sought to solve problems with, and improve upon, existing audio and video recording, storage, delivery systems. For example, the '068 patent states:

Unfortunately, new systems and methods for increasing the capabilities of online business-related communications and transactions often result in increased intellectual complexity and/or increased computer system requirements. This tendency is undesirable because another main avenue for increasing the productivity of online business-related communications and transactions is to increase the number of people who are participating in these online business-related transactions.

*See '068 Specification at col. 1, ll. 31-39.*

25. The '068 patent then states:

Accordingly, it would be highly valuable if any new systems and methods for increasing the capabilities of online business-related communications and transactions also could be simple enough to help attract new users to the online business market and also not have extensive computer system requirements.

*See '068 Specification at col. 1, ll. 39-44.*

26. The '068 patent then also states:

Accordingly, there has been a long existing need for a system that improves the level of communication possible with respect to online business-related transactions. Further, there is a continuing need for an improved system and/or method that is simple, efficient, and does not have extensive computer system requirements. Accordingly, those skilled in the art have

long recognized the need for a system and method that addresses these and other issues.

*See* '068 Specification at col. 1, ll. 45-52.

27. The invention(s) claimed in the '068 patent solves various technological problems inherent in the then-existing audio and video recording, storage, and delivery systems and enables audio and video recording, storage, and delivery systems to, among other things, (1) function more efficiently, (2) lower the required level of expertise for users of such systems, (3) avoid the need to install and burden front end computer and electronic devices with additional software, (4) reduce or eliminate entirely the need for local memory storage devices and other specialized recording equipment, and (5) reduce or eliminate other hardware and software requirements inherent in prior art audio and video recording and distribution systems.

**United States Patent No. 9,467,728**

28. On October 11, 2016, the USPTO duly and legally issued United States Patent No. 9,467,728 ("the '728 patent") entitled "Remotely Accessed Virtual Recording Room" to inventor Gregory Ellis. A true and correct copy of the '728 patent is attached as Exhibit 2.

29. The '728 patent is presumed valid under 35 U.S.C. § 282.

30. Onstream owns all rights, title, and interest in the '728 patent.

31. Onstream has not granted Restream an approval, an authorization or a license to the rights under the '728 patent.

32. The '728 patent relates to, among other things, an audio and video stream recording, storage, and delivery system.

33. The specification of the '728 patent is the same as the '068 patent specification, and solves the problems recited above and described in the '728 patent specification.

**United States Patent No. 10,038,930**

34. On July 31, 2018 the USPTO duly and legally issued United States Patent No. 10,038,930 ("the '930 patent") entitled "Remotely Accessed Virtual Recording Room" to inventor Gregory Duane Ellis. A true and correct copy of the '930 patent is attached as Exhibit 3.

35. The '930 patent is presumed valid under 35 U.S.C. § 282.

36. Onstream owns all rights, title, and interest in the '930 patent.

37. Onstream has not granted Restream an approval, an authorization or a license to the rights under the '930 patent.

38. The '930 patent relates to, among other things, an audio and video stream recording, storage, and delivery system.

39. The claimed invention(s) of the '930 patent sought to solve problems with, and improve upon, existing audio and video recording, storage, delivery systems. The specification of the '930 patent is the same as the '068 patent specification, and solves the problems recited above and described in the '930 patent specification.

**United States Patent No. 10,200,648**

40. On February 5, 2019, the USPTO duly and legally issued United States Patent No. 10,200,648 (“the ‘648 patent”) entitled “Remotely Accessed Virtual Recording Room” to inventor Gregory Duane Ellis. A true and correct copy of the ‘648 patent is attached as Exhibit 4.

41. The ‘648 patent is presumed valid under 35 U.S.C. § 282.

42. Onstream owns all rights, title, and interest in the ‘648 patent.

43. Onstream has not granted Restream an approval, an authorization or a license to the rights under the ‘648 patent.

44. The ‘648 patent relates to, among other things, an audio and video stream recording, storage, and delivery system.

45. The claimed invention(s) of the ‘648 patent sought to solve problems with, and improve upon, existing audio and video recording, storage, delivery systems. The specification of the ‘648 patent is the same as the ‘068 patent specification and solves the problems recited above and described in the ‘648 patent specification.

**United States Patent No. 10,674,109**

46. On June 2, 2020, the USPTO duly and legally issued United States Patent No. 10,674,109 (“the ‘109 patent”) entitled “Remotely Accessed Virtual Recording Room” to inventor Gregory Duane Ellis. A true and correct copy of the ‘109 patent is attached as Exhibit 5.

47. The ‘109 patent is presumed valid under 35 U.S.C. § 282.

48. Onstream owns all rights, title, and interest in the ‘109 patent.



49. Onstream has not granted Restream an approval, an authorization or a license to the rights under the '109 patent.

50. The '109 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

51. The claimed invention(s) of the '109 patent sought to solve problems with, and improve upon, existing audio and video recording, storage, delivery systems. The specification of the '109 patent is the same as the '068 patent specification and addresses and solves the problems recited above and described in the '068 patent specification.

**United States Patent No. 10,694,142**

52. On June 23, 2020, the USPTO duly and legally issued United States Patent No. 10,694,142 ("the '142 patent") entitled "Remotely Accessed Virtual Recording Room" to inventor Gregory Duane Ellis. A true and correct copy of the '142 patent is attached as Exhibit 6.

53. The '142 patent is presumed valid under 35 U.S.C. § 282.

54. Onstream owns all rights, title, and interest in the '142 patent.

55. Onstream has not granted Restream an approval, an authorization or a license to the rights under the '142 patent.

56. The '142 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

57. The claimed invention(s) of the '142 patent sought to solve problems with, and improve upon, existing audio and video recording, storage, delivery systems. The

specification of the '142 patent is the same as the '068 patent specification and addresses and solves the problems recited above and described in the '068 patent specification.

**United States Patent No. 10,848,707**

58. On November 24, 2020, the USPTO duly and legally issued United States Patent No. 10,848,707 ("the '707 patent") entitled "Remotely Accessed Virtual Recording Room" to inventor Gregory Duane Ellis. A true and correct copy of the '707 patent is attached as Exhibit 7.

59. The '707 patent is presumed valid under 35 U.S.C. § 282.

60. Onstream owns all rights, title, and interest in the '707 patent.

61. Onstream has not granted Restream an approval, an authorization or a license to the rights under the '707 patent.

62. The '707 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

63. The claimed invention(s) of the '707 patent sought to solve problems with, and improve upon, existing audio and video recording, storage, delivery systems. The specification of the '707 patent is the same as the '068 patent specification and addresses and solves the problems recited above and described in the '068 patent specification.

**CLAIMS FOR RELIEF**

**Count I – Infringement of United States Patent No. 9,161,068**

64. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

65. On information and belief, Restream (or those acting on its behalf) makes, uses, and provides Restream Studio and sells and/or offers to sell products and services in the United States that use Restream Studio as a feature or component. Restream Studio, as well as the hardware and software components comprising the system that enables the Restream Studio service to operate, including but not limited to servers, server software, client software, and other computer systems and components (the “Restream Studio System”), infringes (literally and/or under the doctrine of equivalents) at least claim 1 of the ‘068 patent.

66. On information and belief, one or more components of the Restream Studio System employs and provides a method that records audio and video material over an Internet browser connection established between a user front end and a host back end.



67. On information and belief, one or more components of the Restream Studio System can either be accessed through an Internet browser on a desktop computer or a mobile device.

## Restream Studio

Live stream from your browser to 30+ social platforms simultaneously. Learn how to use and how to go live with Restream Studio.

See <https://support.restream.io/en/articles/3827033-restream-studio>

Streaming from your phone via Restream Studio is pretty easy. Just login from your mobile device to [Restream Studio](#) and go live!

See <https://support.restream.io/en/articles/1035300-can-i-stream-from-my-phone-can-i-access-restream-studio-using-my-phone>

68. On information and belief, when a user wants to begin streaming using one or more components of the Restream Studio System, Restream's servers deliver a code, which can be executed by a browser.

69. On information and belief, Restream delivers a code that enables the streaming of audio and video material.

70. On information and belief, Restream delivers a browser-executable-code that is a browser independent recording application that initiates the audio and video stream to be recorded.

**Restream Studio** is a powerful, ready-to-use streaming solution with a number of features to have control over your stream, like captions, backgrounds, overlays, screen sharing, and more. It allows you to stream directly from your browser with no additional equipment required, **just your device camera, and microphone.** [Restream Studio](#) was developed to help you multistream to all your favorite platforms in a matter of a few clicks.

See <https://support.restream.io/en/articles/3827033-restream-studio>

71. On information and belief, Restream delivers a code that is executed through a browser at the user front end.

72. On information and belief, Restream uses an Internet connection.

1. **A good (fast and stable) internet connection is vital.** As much as 80% of issues with the video or audio quality of your stream are directly connected to the internet issues. Therefore, to minimize the probability of such hiccups, it is recommended to use LAN instead of WiFi. Keep in mind it's important for you to have both a high upload speed and a stable connection. We recommend checking the quality of your connection before going live here:

<https://support.restream.io/en/articles/3928119-restream-traceroute-test>

See <https://support.restream.io/en/articles/73073-equipment-needed-to-start-your-first-stream>

73. One or more components of the Restream Studio System employs and provides a method wherein audio and video material is streamed over the Internet as the audio and video material is captured by a recording device.

**Restream Studio** is a powerful, ready-to-use streaming solution with a number of features to have control over your stream, like captions, backgrounds, overlays, screen sharing, and more. It allows you to stream directly from your browser with no additional equipment required, **just your device camera, and microphone.** [Restream Studio](#) was developed to help you multistream to all your favorite platforms in a matter of a few clicks.

See <https://support.restream.io/en/articles/3827033-restream-studio>

74. One or more components of the Restream Studio System uses and provides a method wherein audio and video material is captured without using any recording software installed on the user front end.

**Restream Studio** is a powerful, ready-to-use streaming solution with a number of features to have control over your stream, like captions, backgrounds, overlays, screen sharing, and more. It allows you to stream directly from your browser with no additional equipment required, **just your device camera, and microphone**. [Restream Studio](https://support.restream.io/en/articles/3827033-restream-studio) was developed to help you multistream to all your favorite platforms in a matter of a few clicks.

See <https://support.restream.io/en/articles/3827033-restream-studio>

75. On information and belief, one or more components of the Restream Studio System uses and provides a method that does not require transmission of a complete audio and video file from the user front end. Rather, on information and belief, a stream of audio and video material is transmitted to Restream's servers as the audio and video material is being captured.

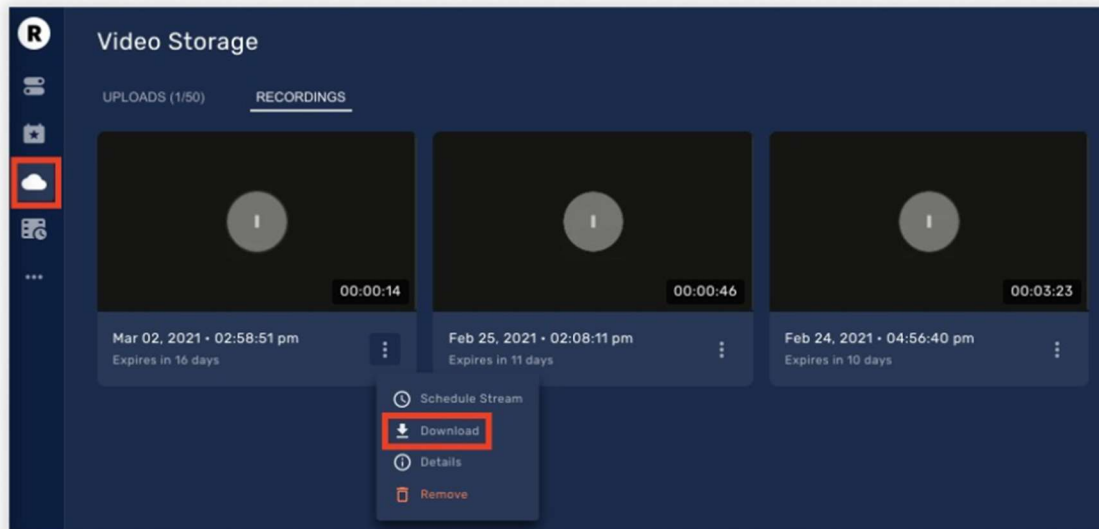
76. On information and belief, one or more components of the Restream Studio System uses and provides a method wherein the audio and video recordings are made and stored on the host back end as a complete file.





video material is complete, Restream provides access to the entire audio and video recording.

On the left side menu, you will see a cloud icon. That is a special icon for Recordings. Press it to see all the recordings available to you. You will see the day and time when you were live.



Our Plans		Free	Standard	Professional	Premium	Business
Monthly <input checked="" type="radio"/> Yearly						
* All prices are in USD						
		\$0	\$19 per month	\$49 per month	\$99 per month	\$299 per month
		<a href="#">Get Started</a>	<a href="#">Subscribe Now</a>	<a href="#">Subscribe Now</a>	<a href="#">Subscribe Now</a>	<a href="#">Subscribe Now</a>
CORE						
Streaming to 30+ social platforms at the same time		✓	✓	✓	✓	✓
Compatible with third-party streaming software: Zoom, OBS, XSplit		✓	✓	✓	✓	✓
Streaming to Facebook Public pages/Groups			✓	✓	✓	✓
Streaming to Custom/Extra destinations			1	3	10	20
Stream recording			6 hours/stream	10 hours/stream	20 hours/stream	20 hours/stream
Storing time for recordings			15 days	15 days	30 days	30 days

See <https://support.restream.io/en/articles/4379939-restream-recordings>

78. On information and belief, Restream directly infringes at least claim 1 of the '068 patent, and is in violation of 35 U.S.C. § 271(a) by using and providing one or more components of the Restream Studio System.

79. Restream's direct infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages.

**Count II – Infringement of United States Patent No. 9,467,728**

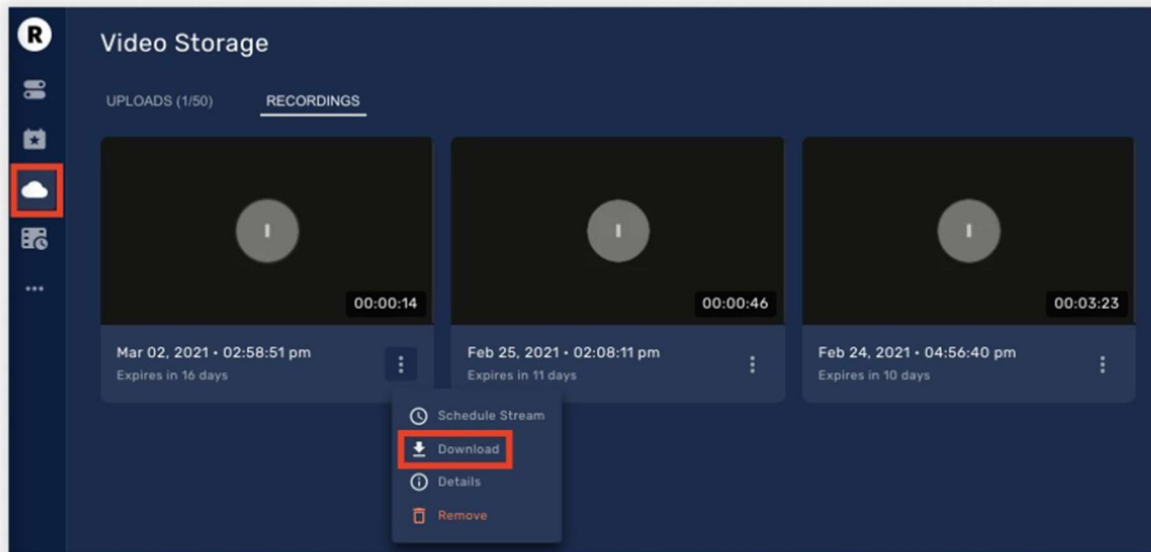
80. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

81. On information and belief, Restream (or those acting on its behalf) makes, uses, and provides one or more components of the Restream Studio System and sells and/or offers to sell products and services in the United States that use one or more components of the Restream Studio System.

82. One or more components of the Restream Studio System infringes (literally and/or under the doctrine of equivalents) at least claims 1 and 21 of the '728 patent.

83. On information and belief, one or more components of the Restream Studio System employs and provides an Internet-based method that records audio and video material over an Internet browser connection established between a user front end and a host back end.

On the left side menu, you will see a cloud icon. That is a special icon for Recordings. Press it to see all the recordings available to you. You will see the day and time when you were live.



Our Plans		Free		Standard		★ MOST POPULAR Professional		Premium		Business	
Monthly	<input checked="" type="radio"/>	\$0		\$19 per month		\$49 per month		\$99 per month		\$299 per month	
* All prices are in USD		Get Started		Subscribe Now		Subscribe Now		Subscribe Now		Subscribe Now	
CORE											
Streaming to 30+ social platforms at the same time		✓		✓		✓		✓		✓	
Compatible with third-party streaming software: Zoom, OBS, XSplit		✓		✓		✓		✓		✓	
Streaming to Facebook Public pages/Groups				✓		✓		✓		✓	
Streaming to Custom/Extra destinations				1		3		10		20	
Stream recording				6 hours/stream		10 hours/stream		20 hours/stream		20 hours/stream	
Storing time for recordings				15 days		15 days		30 days		30 days	

See <https://support.restream.io/en/articles/4379939-restream-recordings>

84. On information and belief, one or more components of the Restream Studio System, including particularly and without limitation Restream's servers, transmits via a network a platform-independent web application, which initiates the streaming of audio and video material from a user's device as the audio and video material is being captured by that device.

**Restream Studio** is a powerful, ready-to-use streaming solution with a number of features to have control over your stream, like captions, backgrounds, overlays, screen sharing, and more. It allows you to stream directly from your browser with no additional equipment required, **just your device camera, and microphone.** [Restream Studio](#) was developed to help you multistream to all your favorite platforms in a matter of a few clicks.

See <https://support.restream.io/en/articles/3827033-restream-studio>

85. On information and belief, one or more components of the Restream Studio System records audio and video material on Restream's servers via the Restream web application and stores that audio and video material as a complete file.



comprising a particular Studio Video Object ID, including but not limited to Universal Resource Locator (URL) and Hyper Text Mark-Up Language (HTML) codes, which are associated with the recorded and stored audio and video, to facilitate accessing the recorded and stored audio and video material from an additional location, such as a location from which another user of one or more components of the Restream Studio System is accessing the Restream Studio audio and video material.

## Create an event using Restream Events

Restream Events is a brand new feature that allows you to schedule a live stream in advance and share the link with your audience! Restream Events enable you to set a thumbnail for the event and customize the title and description for your streams.

See <https://support.restream.io/en/articles/4455493-how-to-schedule-a-stream-on-youtube>

87. On information and belief, the content of the one or more codes generated by one or more components of the Restream Studio System depends on the type of code supported by the additional location. On information and belief, the content of the one or more codes generated by one or more components of the Restream Studio System depends on, among other things, the data transfer protocols that are supported by the client and/or device from which another user of one or more components of the Restream Studio System is accessing the audio and video material.

88. On information and belief, one or more components of the Restream Studio System enables the copying and pasting of codes associated with the recorded and stored audio and video material, including without limitation codes comprising a particular Studio Video Object ID, including but not limited to URL and HTML codes,

to additional locations, wherein the activation of such a code provides access to the recorded audio and video from additional locations.

89. On information and belief, Restream directly infringes at least claims 1 and 21 of the '728 patent, and is in violation of 35 U.S.C. § 271(a) by using and providing one or more components of the Restream Studio System.

90. Restream's direct infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages.

**Count III – Infringement of United States Patent No. 10,038,930**

91. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

92. On information and belief, Restream (or those acting on its behalf) makes, uses, and provides one or more components of the Restream Studio System and sells and/or offers to sell products and services in the United States that use one or more components of the Restream Studio System as a feature.

93. One or more components of the Restream Studio System infringes (literally and/or under the doctrine of equivalents) at least claim 1 of the '930 patent.

94. On information and belief, one or more components of the Restream Studio System employs a method that transmits via a network a browser-independent recording application from Restream's servers to the devices used by Restream's users.

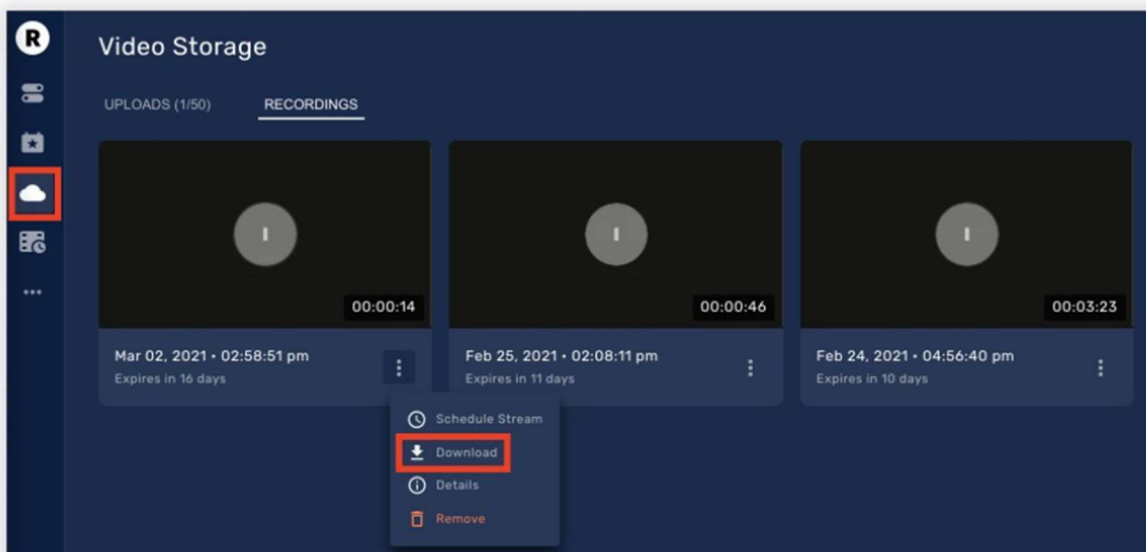
**Restream Studio** is a powerful, ready-to-use streaming solution with a number of features to have control over your stream, like captions, backgrounds, overlays, screen sharing, and more. It allows you to stream directly from your browser with no additional equipment required, **just your device camera, and microphone.** [Restream Studio](https://support.restream.io/en/articles/3827033-restream-studio) was developed to help you multistream to all your favorite platforms in a matter of a few clicks.

See <https://support.restream.io/en/articles/3827033-restream-studio>

95. On information and belief, Restream's servers receive a media stream from the devices used by Restream's users.

96. On information and belief, the media streams that are transmitted to Restream's servers are captured by the Restream browser-independent recording applications, which execute in a browser.

On the left side menu, you will see a cloud icon. That is a special icon for Recordings. Press it to see all the recordings available to you. You will see the day and time when you were live.





**Our Plans**  
Monthly ☒ Yearly  
\* All prices are in USD

	Free <b>\$0</b>	Standard <b>\$19</b> per month	Professional <b>\$49</b> per month <small>★ MOST POPULAR</small>	Premium <b>\$99</b> per month	Business <b>\$299</b> per month
	<a href="#">Get Started</a>	<a href="#">Subscribe Now</a>	<a href="#">Subscribe Now</a>	<a href="#">Subscribe Now</a>	<a href="#">Subscribe Now</a>
<b>CORE</b>					
Streaming to 30+ social platforms at the same time	✓	✓	✓	✓	✓
Compatible with third-party streaming software: Zoom, OBS, XSplit	✓	✓	✓	✓	✓
Streaming to Facebook Public pages/Groups		✓	✓	✓	✓
Streaming to Custom/Extra destinations		1	3	10	20
Stream recording		6 hours/stream	10 hours/stream	20 hours/stream	20 hours/stream
Storing time for recordings		15 days	15 days	30 days	30 days

See <https://support.restream.io/en/articles/4379939-restream-recordings>

97. On information and belief, one or more components of the Restream Studio System does not require the installation of record management software to be installed on the devices used by their users to access one or more components of the Restream Studio System:

**Restream Studio** is a powerful, ready-to-use streaming solution with a number of features to have control over your stream, like captions, backgrounds, overlays, screen sharing, and more. It allows you to stream directly from your browser with no additional equipment required, **just your device camera, and microphone**. [Restream Studio](#) was developed to help you multistream to all your favorite platforms in a matter of a few clicks.

See <https://support.restream.io/en/articles/3827033-restream-studio>

98. On information and belief, the media streams generated by the users of one or more components of the Restream Studio System are recorded on Restream's



99. On information and belief, Restream directly infringes at least claims 1 and 11 of the '930 patent, and is in violation of 35 U.S.C. § 271(a) by using and providing one or more components of the Restream Studio System.

100. Restream's direct infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages.

**Count IV – Infringement of United States Patent No. 10,200,648**

101. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

102. On information and belief, Restream (or those acting on its behalf) makes, uses, and provides one or more components of the Restream Studio System and sells and/or offers to sell products and services in the United States that use one or more components of the Restream Studio System as a feature.

103. One or more components of the Restream Studio System, infringes (literally and/or under the doctrine of equivalents) at least claim 1 of the '648 patent.

104. On information and belief, one or more components of the Restream Studio System employs an Internet-based recording method that performs all of its audio and video recording functions over an Internet browser connection established between a user front end and a host back end:

**Restream Studio** is a powerful, ready-to-use streaming solution with a number of features to have control over your stream, like captions, backgrounds, overlays, screen sharing, and more. It allows you to stream directly from your browser with no additional equipment required, **just your device camera, and microphone**. [Restream Studio](#) was developed to help you multistream to all your favorite platforms in a matter of a few clicks.

See <https://support.restream.io/en/articles/3827033-restream-studio>

105. On information and belief, one or more components of the Restream Studio System records audio and video material that is created by a user over an internet browser connection, without requiring recording functionality to be present in the user's device.

**Restream Studio** is a powerful, ready-to-use streaming solution with a number of features to have control over your stream, like captions, backgrounds, overlays, screen sharing, and more. It allows you to stream directly from your browser with no additional equipment required, **just your device camera, and microphone**. [Restream Studio](#) was developed to help you multistream to all your favorite platforms in a matter of a few clicks.

See <https://support.restream.io/en/articles/3827033-restream-studio>

106. On information and belief, one or more components of the Restream Studio System stores audio and video material on Restream's servers.



comprising a particular Studio Video Object ID, including but not limited to URL and HTML codes, associated with the recorded and stored audio and video, to facilitate accessing the recorded and stored audio and video material.

108. On information and belief, one or more components of the Restream Studio System enables the copying and pasting of code, including without limitation codes comprising a particular Studio Video Object ID, including but not limited to URL and HTML codes, to additional locations, wherein the activation of such a code provides access to the recorded audio and video from additional locations.

109. On information and belief, Restream directly infringes at least claims 1 and 18 of the '648 patent, and is in violation of 35 U.S.C. § 271(a) by using and providing one or more components of the Restream Studio System.

110. Restream's direct infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages.

**Count V – Infringement of United States Patent No. 10,674,109**

111. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

112. On information and belief, Restream (or those acting on its behalf) makes, uses, and provides one or more components of the Restream Studio System and sells and/or offers to sell products and services in the United States that use one or more components of the Restream Studio System as a feature.

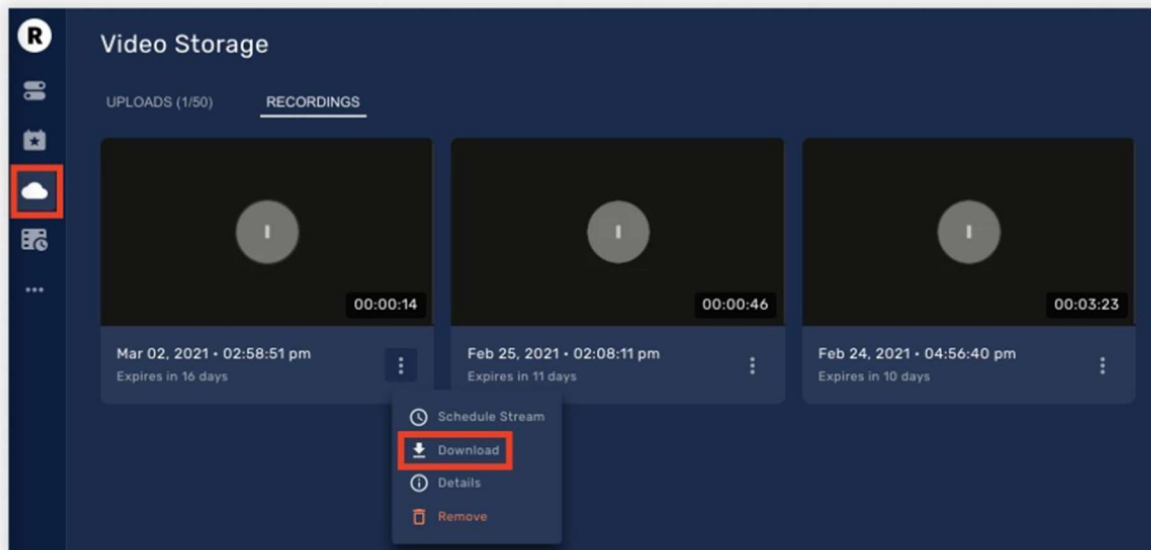
113. On information and belief, Restream (or those acting on its behalf) makes, uses, and provides one or more components of the Restream Studio System and sells

and/or offers to sell products and services in the United States that use one or more components of the Restream Studio System as a feature.

114. One or more components of the Restream Studio System infringes (literally and/or under the doctrine of equivalents) at least claim 1 of the '109 patent.

115. On information and belief, one or more components of the Restream Studio System employs and provides a method that records audio and video material over an Internet browser connection established between a user front end and a host back end.

On the left side menu, you will see a cloud icon. That is a special icon for Recordings. Press it to see all the recordings available to you. You will see the day and time when you were live.





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\* All prices are in USD

	Free <b>\$0</b>	Standard <b>\$19</b> per month	Professional <b>\$49</b> per month <small>★ MOST POPULAR</small>	Premium <b>\$99</b> per month	Business <b>\$299</b> per month
	<a href="#">Get Started</a>	<a href="#">Subscribe Now</a>	<a href="#">Subscribe Now</a>	<a href="#">Subscribe Now</a>	<a href="#">Subscribe Now</a>
<b>CORE</b>					
Streaming to 30+ social platforms at the same time	✓	✓	✓	✓	✓
Compatible with third-party streaming software: Zoom, OBS, XSplit	✓	✓	✓	✓	✓
Streaming to Facebook Public pages/Groups		✓	✓	✓	✓
Streaming to Custom/Extra destinations		1	3	10	20
Stream recording		6 hours/stream	10 hours/stream	20 hours/stream	20 hours/stream
Storing time for recordings		15 days	15 days	30 days	30 days

See <https://support.restream.io/en/articles/4379939-restream-recordings>

116. On information and belief, one or more components of the Restream Studio System can either be accessed through an Internet browser on a desktop computer or a mobile device.

## Restream Studio

Live stream from your browser to 30+ social platforms simultaneously. Learn how to use and how to go live with Restream Studio.

See <https://support.restream.io/en/articles/3827033-restream-studio>

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See <https://support.restream.io/en/articles/1035300-can-i-stream-from-my-phone-can-i-access-restream-studio-using-my-phone>



117. On information and belief, when a user wants to begin streaming using one or more components of the Restream Studio System, Restream's servers deliver a code, which can be executed by a browser.

118. On information and belief, Restream delivers a code that enables the streaming of audio and video material.

119. On information and belief, Restream delivers a browser-executable-code that is a browser independent recording application that initiates the audio and video stream to be recorded.

**Restream Studio** is a powerful, ready-to-use streaming solution with a number of features to have control over your stream, like captions, backgrounds, overlays, screen sharing, and more. It allows you to stream directly from your browser with no additional equipment required, **just your device camera, and microphone.** [Restream Studio](https://support.restream.io/en/articles/3827033-restream-studio) was developed to help you multistream to all your favorite platforms in a matter of a few clicks.

See <https://support.restream.io/en/articles/3827033-restream-studio>

120. On information and belief, one or more components of the Restream Studio System delivers a code that is browser independent, in part, because a user can record audio and video material without requiring specialized recording equipment, software, or coding.

121. On information and belief, one or more components of the Restream Studio System delivers a code that is executed through a browser at the user front end.

122. On information and belief, one or more components of the Restream Studio System uses an Internet connection.

123. One or more components of the Restream Studio System employs and provides a method wherein audio and video material is streamed over the Internet as the audio and video material is captured by a recording device.

**Restream Studio** is a powerful, ready-to-use streaming solution with a number of features to have control over your stream, like captions, backgrounds, overlays, screen sharing, and more. It allows you to stream directly from your browser with no additional equipment required, **just your device camera, and microphone**. [Restream Studio](https://support.restream.io/en/articles/3827033-restream-studio) was developed to help you multistream to all your favorite platforms in a matter of a few clicks.

See <https://support.restream.io/en/articles/3827033-restream-studio>

124. On information and belief, one or more components of the Restream Studio System uses and provides a method wherein audio and video material is captured without using any recording software installed on the user front end.

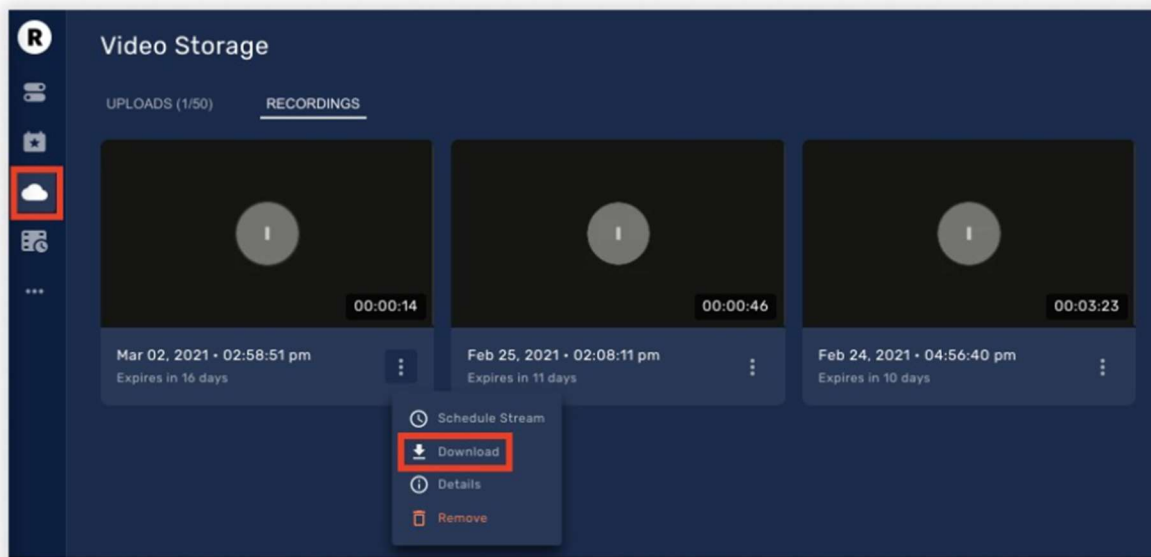
**Restream Studio** is a powerful, ready-to-use streaming solution with a number of features to have control over your stream, like captions, backgrounds, overlays, screen sharing, and more. It allows you to stream directly from your browser with no additional equipment required, **just your device camera, and microphone**. [Restream Studio](https://support.restream.io/en/articles/3827033-restream-studio) was developed to help you multistream to all your favorite platforms in a matter of a few clicks.

See <https://support.restream.io/en/articles/3827033-restream-studio>

125. On information and belief, one or more components of the Restream Studio System uses and provides a method that does not require transmission of a complete audio and video file from the user front end. Rather, on information and belief, a stream of audio and video material is transmitted to Restream's servers as the audio and video material is being captured.

126. On information and belief, one or more components of the Restream Studio System uses and provides a method wherein the audio and video recordings are made and stored on the host back end as a complete file.

On the left side menu, you will see a cloud icon. That is a special icon for Recordings. Press it to see all the recordings available to you. You will see the day and time when you were live.



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CORE						
Streaming to 30+ social platforms at the same time	1	✓	✓	✓	✓	✓
Compatible with third-party streaming software: Zoom, OBS, XSplit	1	✓	✓	✓	✓	✓
Streaming to Facebook Public pages/Groups	1		✓	✓	✓	✓
Streaming to Custom/Extra destinations	1		1	3	10	20
Stream recording	1		6 hours/stream	10 hours/stream	20 hours/stream	20 hours/stream
Storing time for recordings	1		15 days	15 days	30 days	30 days

See <https://support.restream.io/en/articles/4379939-restream-recordings>

127. On information and belief, Restream directly infringes at least claim 1 of the '109 patent, and is in violation of 35 U.S.C. § 271(a) by using and providing one or more components of the Restream Studio System.

128. Restream's direct infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages as a result of Restream's infringement.

**Count VI - Infringement of United States Patent No. 10,694,142**

129. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

130. On information and belief, Restream (or those acting on its behalf) makes, uses, and provides Restream Studio and sells and/or offers to sell products and services in the United States that use one or more components of the Restream Studio System as a feature.

131. One or more components of the Restream Studio System infringes (literally and/or under the doctrine of equivalents) at least claim 1 of the '142 patent.

132. On information and belief, one or more components of the Restream Studio System employs and provides a method that records audio and video material over an Internet browser connection established between a user front end and a host back end.



133. On information and belief, one or more components of the Restream Studio System can either be accessed through an Internet browser on a desktop computer or a mobile device.

## Restream Studio

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See <https://support.restream.io/en/articles/1035300-can-i-stream-from-my-phone-can-i-access-restream-studio-using-my-phone>

134. On information and belief, when a user wants to begin streaming using one or more components of the Restream Studio System, Restream's servers deliver a code, which can be executed by a browser.

135. On information and belief, one or more components of the Restream Studio System delivers a code that enables the streaming of audio and video material.

136. On information and belief, one or more components of the Restream Studio System delivers a code that is executed at the user front end to initiate the streaming of audio and video material as it is being captured by one or more capturing devices at the user front end to the host back end.

**Restream Studio** is a powerful, ready-to-use streaming solution with a number of features to have control over your stream, like captions, backgrounds, overlays, screen sharing, and more. It allows you to stream directly from your browser with no additional equipment required, **just your device camera, and microphone.** [Restream Studio](#) was developed to help you multistream to all your favorite platforms in a matter of a few clicks.

See <https://support.restream.io/en/articles/3827033-restream-studio>

137. On information and belief, one or more components of the Restream Studio System delivers a code that is executed through a browser at the user front end.

138. On information and belief, one or more components of the Restream Studio System uses an Internet connection.

1. **A good (fast and stable) internet connection is vital.** As much as 80% of issues with the video or audio quality of your stream are directly connected to the internet issues. Therefore, to minimize the probability of such hiccups, it is recommended to use LAN instead of WiFi. Keep in mind it's important for you to have both a high upload speed and a stable connection. We recommend checking the quality of your connection before going live here: <https://support.restream.io/en/articles/3928119-restream-traceroute-test>

See <https://support.restream.io/en/articles/73073-equipment-needed-to-start-your-first-stream>

139. One or more components of the Restream Studio System employs and provides a method wherein audio and video material is streamed over the Internet as the audio and video material is captured by a recording device.



**Restream Studio** is a powerful, ready-to-use streaming solution with a number of features to have control over your stream, like captions, backgrounds, overlays, screen sharing, and more. It allows you to stream directly from your browser with no additional equipment required, **just your device camera, and microphone**. [Restream Studio](#) was developed to help you multistream to all your favorite platforms in a matter of a few clicks.

See <https://support.restream.io/en/articles/3827033-restream-studio>

140. One or more components of the Restream Studio System uses and provides a method wherein audio and video material is captured without using any recording software installed on the user front end.

**Restream Studio** is a powerful, ready-to-use streaming solution with a number of features to have control over your stream, like captions, backgrounds, overlays, screen sharing, and more. It allows you to stream directly from your browser with no additional equipment required, **just your device camera, and microphone**. [Restream Studio](#) was developed to help you multistream to all your favorite platforms in a matter of a few clicks.

See <https://support.restream.io/en/articles/3827033-restream-studio>

141. On information and belief, one or more components of the Restream Studio System uses and provides a method that does not require transmission of a complete audio and video file from the user front end. Rather, on information and belief, a stream of audio and video material is transmitted to Restream's servers as the audio and video material is being captured.

142. On information and belief, one or more components of the Restream Studio System uses and provides a method wherein the audio and video recordings are made and stored on the host back end as a complete file.





143. On information and belief, Restream directly infringes at least claim 1 of the '142 patent, and is in violation of 35 U.S.C. § 271(a) by using and providing one or more components of the Restream Studio System.

144. Restream's direct indirect infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages.

**Count VII - Infringement of United States Patent No. 10,848,707**

145. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

146. On information and belief, Restream (or those acting on its behalf) makes, uses, and provides Restream Studio and sells and/or offers to sell products and services in the United States that use one or more components of the Restream Studio System as a feature.

147. One or more components of the Restream Studio System infringes (literally and/or under the doctrine of equivalents) at least claim 1 of the '707 patent.

148. On information and belief, one or more components of the Restream Studio System employs and provides a method that records audio and video material over an Internet browser connection established between a user front end and a host back end.



149. On information and belief, one or more components of the Restream Studio System can either be accessed through an Internet browser on a desktop computer or a mobile device.

## Restream Studio

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See <https://support.restream.io/en/articles/1035300-can-i-stream-from-my-phone-can-i-access-restream-studio-using-my-phone>

150. On information and belief, one or more components of the Restream Studio System uses an Internet connection.

1. **A good (fast and stable) internet connection is vital.** As much as 80% of issues with the video or audio quality of your stream are directly connected to the internet issues. Therefore, to minimize the probability of such hiccups, it is recommended to use LAN instead of WiFi. Keep in mind it's important for you to have both a high upload speed and a stable connection. We recommend checking the quality of your connection before going live here:

<https://support.restream.io/en/articles/3928119-restream-traceroute-test>

See <https://support.restream.io/en/articles/73073-equipment-needed-to-start-your-first-stream>

151. One or more components of the Restream Studio System employs and provides a method wherein audio and video material is streamed over the Internet as the audio and video material is captured by a recording device.

**Restream Studio** is a powerful, ready-to-use streaming solution with a number of features to have control over your stream, like captions, backgrounds, overlays, screen sharing, and more. It allows you to stream directly from your browser with no additional equipment required, **just your device camera, and microphone**. [Restream Studio](https://support.restream.io/en/articles/3827033-restream-studio) was developed to help you multistream to all your favorite platforms in a matter of a few clicks.

See <https://support.restream.io/en/articles/3827033-restream-studio>

152. One or more components of the Restream Studio System uses and provides a method wherein audio and video material is captured without using any recording software installed on the user front end.

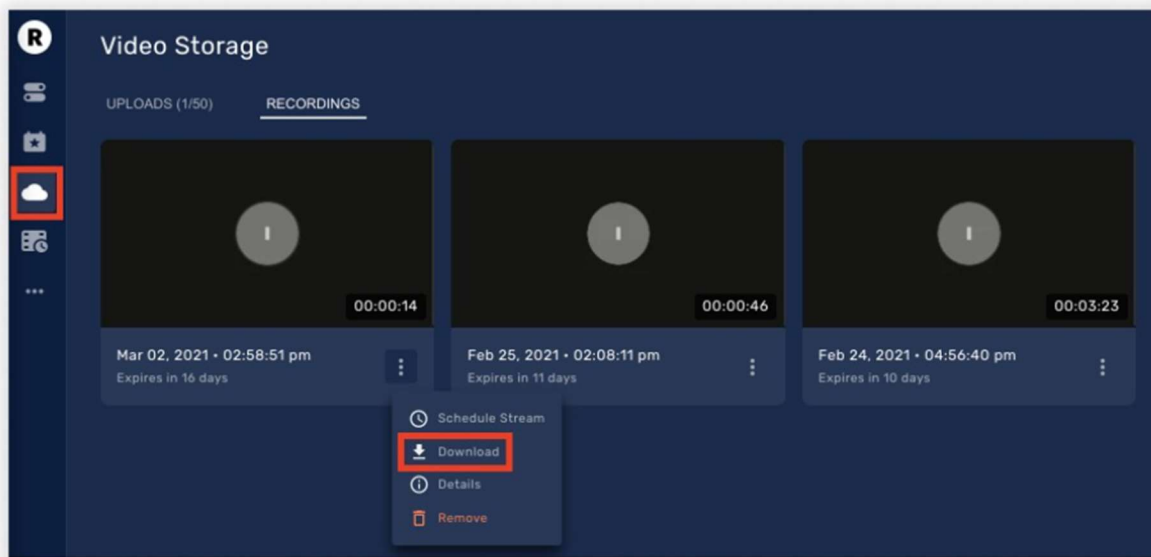
**Restream Studio** is a powerful, ready-to-use streaming solution with a number of features to have control over your stream, like captions, backgrounds, overlays, screen sharing, and more. It allows you to stream directly from your browser with no additional equipment required, **just your device camera, and microphone**. [Restream Studio](https://support.restream.io/en/articles/3827033-restream-studio) was developed to help you multistream to all your favorite platforms in a matter of a few clicks.

See <https://support.restream.io/en/articles/3827033-restream-studio>

153. On information and belief, one or more components of the Restream Studio System uses and provides a method that does not require transmission of a complete audio and video file from the user front end. Rather, on information and belief, a stream of audio and video material is transmitted to Restream's servers as the audio and video material is being captured.

154. On information and belief, one or more components of the Restream Studio System uses and provides a method wherein the audio and video recordings are made and stored on the host back end as a complete file.

On the left side menu, you will see a cloud icon. That is a special icon for Recordings. Press it to see all the recordings available to you. You will see the day and time when you were live.

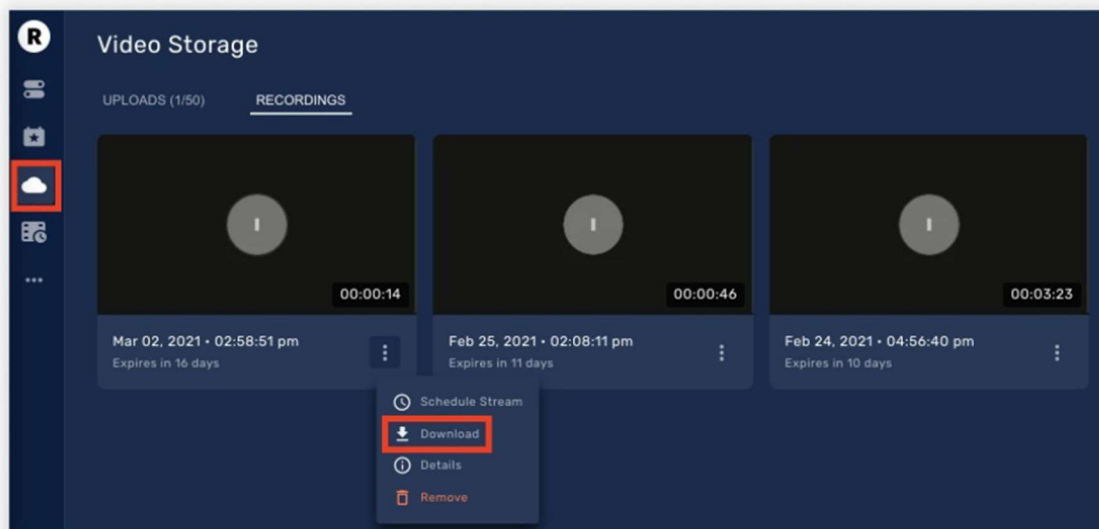


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		<a href="#">Get Started</a>	<a href="#">Subscribe Now</a>	<a href="#">Subscribe Now</a>	<a href="#">Subscribe Now</a>	<a href="#">Subscribe Now</a>
CORE						
Streaming to 30+ social platforms at the same time	1	✓	✓	✓	✓	✓
Compatible with third-party streaming software: Zoom, OBS, XSplit	1	✓	✓	✓	✓	✓
Streaming to Facebook Public pages/Groups	1		✓	✓	✓	✓
Streaming to Custom/Extra destinations	1		1	3	10	20
Stream recording	1		6 hours/stream	10 hours/stream	20 hours/stream	20 hours/stream
Storing time for recordings	1		15 days	15 days	30 days	30 days

See <https://support.restream.io/en/articles/4379939-restream-recordings>

155. On information and belief, one or more components of the Restream Studio System uses and provides a method wherein after the recording of audio and video material is complete, Restream provides access to the entire audio and video recording.

On the left side menu, you will see a cloud icon. That is a special icon for Recordings. Press it to see all the recordings available to you. You will see the day and time when you were live.





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	<a href="#">Get Started</a>	<a href="#">Subscribe Now</a>	<a href="#">Subscribe Now</a>	<a href="#">Subscribe Now</a>	<a href="#">Subscribe Now</a>
<b>CORE</b>					
Streaming to 30+ social platforms at the same time	✓	✓	✓	✓	✓
Compatible with third-party streaming software: Zoom, OBS, XSplit	✓	✓	✓	✓	✓
Streaming to Facebook Public pages/Groups		✓	✓	✓	✓
Streaming to Custom/Extra destinations		1	3	10	20
Stream recording		6 hours/stream	10 hours/stream	20 hours/stream	20 hours/stream
Storing time for recordings		15 days	15 days	30 days	30 days

See <https://support.restream.io/en/articles/4379939-restream-recordings>

156. On information and belief, one or more components of the Restream Studio System generates one or more codes, including without limitation codes comprising a particular Studio Video Object ID, including but not limited to Universal Resource Locator (URL) and Hyper Text Mark-Up Language (HTML) codes, which are associated with the recorded and stored audio and video, to facilitate accessing the recorded and stored audio and video material from an additional location, such as a location from which another user of one or more components of the Restream Studio System is accessing the one or more components of the Restream Studio System audio and video material.

## Create an event using Restream Events

Restream Events is a brand new feature that allows you to schedule a live stream in advance and share the link with your audience! Restream Events enable you to set a thumbnail for the event and customize the title and description for your streams.



See <https://support.restream.io/en/articles/4455493-how-to-schedule-a-stream-on-youtube>

157. On information and belief, one or more components of the Restream Studio System enables addition of (i) digital still image material (e.g., Poster, thumbnail, cover image), (ii) digital audio material (e.g., overlayed audios), (iii) digital video material (e.g., gif), (iv) digital video material and digital audio material, (v) digital still image material and digital video material, (vi) digital still image material and digital audio material, or (vii) digital still image material, digital audio material, and digital video material, to the sequentially stored file at the one or more host back end application servers.

158. On information and belief, Restream directly infringes at least claim 1 of the '707 patent and is in violation of 35 U.S.C. § 271(a) by using and providing one or more components of the Restream Studio System.

159. Restream's direct infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages.

#### **JURY DEMANDED**

160. Pursuant to Federal Rule of Civil Procedure 38(b), Onstream hereby requests a trial by jury on all issues so triable.

#### **PRAYER FOR RELIEF**

Onstream respectfully requests this Court to enter judgment in Onstream's favor and against Restream as follows:

- a. finding that Restream has infringed one or more claims of the '068 patent under 35 U.S.C. §§ 271(a);

- b. finding that Restream has infringed one or more claims of the '728 patent under 35 U.S.C. §§ 271(a);
- c. finding that Restream has infringed one or more claims of the '930 patent under 35 U.S.C. §§ 271(a);
- d. finding that Restream has infringed one or more claims of the '648 patent under 35 U.S.C. §§ 271(a);
- e. finding that Restream has infringed one or more claims of the '109 patent under 35 U.S.C. §§ 271(a);
- f. finding that Restream has infringed one or more claims of the '142 patent under 35 U.S.C. §§ 271(a);
- g. finding that Restream has infringed one or more claims of the '707 patent under 35 U.S.C. §§ 271(a);
- h. awarding Onstream damages under 35 U.S.C. § 284, or otherwise permitted by law, including supplemental damages for any continued post-verdict infringement;
- i. awarding Onstream pre-judgment and post-judgment interest on the damages award and costs;
- j. awarding cost of this action (including all disbursements) and attorney fees pursuant to 35 U.S.C. § 285, or as otherwise permitted by the law; and
- k. awarding such other costs and further relief that the Court determines to be just and equitable.

Dated: May 22, 2021

Respectfully submitted,

/s/Raymond W. Mort, III

Raymond W. Mort, III

Texas State Bar No. 00791308

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